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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,438	01/09/2002	Hiroki Nagashima	13877	5292

7590 07/26/2005  
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EXAMINER

KASSA, YOSEF

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/040,438

Applicant(s)

NAGASHIMA ET AL.

Examiner

YOSEF KASSA

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/02, 6/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Claims 15-42 in the reply filed on Feb. 24, 2005 is acknowledged. The traversal is on the ground(s) that "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions". This is not found persuasive because in the instant case, the claimed invention II has separate utility such as image interpolation method and apparatus, and this utility is not needed by invention I, which is image effect method and apparatus. See MPEP §806.05(d). The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai et al (U.S. Patent 6,597,368), and in view of Derosé et al (U.S. Patent 6,300,960).

With regard to claim 15, Arai discloses obtaining correspondence information between a source polygon which constitutes a mesh provided on a first image and a

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destination polygon which constitutes a mesh on a second image (see col. 3, lines 49-58);

generating an intermediate image between the first image and the second image based on the correspondence information (see col. 3, lines 24-36).

Arai does not disclose expressly providing an electronic commerce commodity presentation function when the intermediate image is generated. However, in the same field of endeavor, Derosé et al discloses this feature (see col. 4, lines 28-39). At the time of the invention was made, it would have been obvious to a person of an ordinary skill in the art to incorporate the teaching of Derosé image animation process into Arai's system. The suggestion/motivation for doing so would have been to create character realistic animation by manipulating a detailed model of the actual character. Therefore, it would have been obvious to combine Derosé with Arai to obtain the invention as specified in claim 15.

Claim 16 is similarly analyzed and rejected the same as claim 15. Except, the additional limitation of "providing an image-effect function when the intermediate image is generated" see col. 4, lines 1-14.

Claim 17 is similarly analyzed and rejected the same as claim 15. Except, the additional limitation of "providing a utility function for generating a motion picture when the intermediate image is generated" see col. 3, lines 42-47.

providing a utility function for generating a motion picture when the intermediate image is generated

Claim 18 is similarly analyzed and rejected the same as claim 15. Except, the

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additional limitation of "performing the generation of the intermediate image based on a mobile function which assumes application to a mobile device" see col. 18, lines 20-35.

With regard to claim 19, Arai discloses commodity presentation function comprises displaying a commodity rotating according to an instruction from a user (see Fig. 18 computer network systems).

With regard to claim 20, Arai discloses commodity presentation function comprises displaying an intermediate image obtained by interpolating a commodity image in two directions (see col. 6, lines 10-22).

With regard to claim 21, Arai discloses wherein the image-effect function comprises sequentially choosing two images out of a plurality of images as the first image and the second image, and smoothly displaying the intermediate image generated from the sequentially chosen two images (see col. 3, lines 38-47).

Claims 22 and 23 are similarly analyzed and rejected the same as claim 20.

With regard to claim 24, Arai discloses wherein the specification of the number of intermediate images to be generated is obtained from a user (see col. 3, lines 24-35).

With regard to claim 25, Arai discloses mobile function comprises displaying the intermediate image generated based on either the first image or the second image and said correspondence information (see col. 6, lines 11-20).

With regard to claim 26, Arai discloses wherein the intermediate image is generated through performing a streaming process for either the first image or the second image and said correspondence information (see col. 3, lines 8-20).

Claim 27 is similarly analyzed and rejected the same as claim 15.

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Claim 28 is similarly analyzed and rejected the same as claim 16.

Claim 29 is similarly analyzed and rejected the same as claim 17.

Claim 30 is similarly analyzed and rejected the same as claim 18.

Claims 31-38 are similarly analyzed and rejected the same as claims 19-26.

With regard to claim 39, Arai discloses further comprising a display unit which adjusts a timing of the intermediate image, the first image, and the second image and displays these images (see col. 6, lines 10-22).

Claims 40-42 are similarly analyzed and rejected the same as claim 39.

#### ***Other Prior Art Cited***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. (6362833) to Trika disclose method and apparatus for progressively constructing...

US Patent No. (6525732) to Gadh et al disclose network based viewing of images of three-dimensional objects.

US Patent No. (6411965) to Klug discloses remote multi-user editing system and method transmitting...

US Patent No. (6608628) to rose et al disclose method and apparatus for virtual interactive...

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### Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOSEF KASSA whose telephone number is (703) 306-5918. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BHAVESH MEHTA can be reached on (703) 308-5246. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communication and (571) 273-8300 for after Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

### PATENT EXAMINER

Yosef Kassa



07/18/05.



SANJIV SHAH  
PRIMARY EXAMINER